

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CINCINNATI BENGALS, INC.,

Case No. 1:09 CV 738

Plaintiff,

Hon. Sandra S. Beckwith

- against -

Hon. Timothy S. Black

KHALID ABDULLAH, SAM ADAMS,
MARCO BATTAGLIA, RASHAD
BAUMAN, ROGERS BECKETT, VAUGHN
BOOKER, DUANE CLEMONS, RON
DUGANS, DAVID DUNN, CHRIS
EDMONDS, OLIVER GIBSON, DAMON
GRIFFIN, KEVIN HARDY, RODNEY
HEATH, NICK LUCHEY, TREMAIN
MACK, TIMOTHY MCGEE, TONY
MCGEE, REGGIE MYLES, HANNIBAL
NAVIES, SCOTT REHBERG, ADRIAN
ROSS, TROY SADOWSKI, DARNAY
SCOTT, KABISA AKILI SMITH,
ARMEGIS SPEARMAN, GLEN STEELE,
DENNIS WEATHERSBY, RICHMOND
WEBB, BERNARD WHITTINGTON AND
DARRYL WILLIAMS, AND REINARD
WILSON

Defendants.

**DECLARATION OF JEFFREY H. NEWHOUSE
IN SUPPORT OF (1) DEFENDANTS AND PROPOSED INTERVENOR'S
MOTION TO COMPEL ARBITRATION AND DISMISS THE COMPLAINT AND (2)
DEFENDANTS GLEN STEELE, OLIVER GIBSON, VAUGHN BOOKER AND
REINARD WILSON'S MOTION TO VACATE THE DEFAULT JUDGMENTS AND
REINARD WILSON'S MOTION TO VACATE AN ORDER OF CONTEMPT**

JEFFREY H. NEWHOUSE, hereby declares as follows:

1. I am an attorney with the law firm Dewey & LeBoeuf LLP, counsel to the proposed intervenor National Football League Players Association ("NFLPA"). I make this

declaration, of my own personal knowledge, in support of Defendants and proposed intervenor's motion to compel arbitration and dismiss the complaint and in support of Defendants Glen Steele, Oliver Gibson, Vaughn Booker and Reinard Wilson's motion to vacate the Default Judgments and Reinard Wilson's motion to vacate an Order of contempt.

2. Attached hereto as Exhibit A is a true and correct copy of *Givens v. Tenn. Football, Inc.*, 2010 WL 517411 (M.D. Tenn. Feb. 10, 2010).

3. Attached hereto as Exhibit B is a true and correct copy of Defendant's Trial Brief, dated May 6, 2009, in *Vaughn Booker v. Cincinnati Bengals, Inc.*, Case No. ANA 0401410 (WCAB Oct. 6, 2009).

4. Attached hereto as Exhibit C is a true and correct copy of the Findings of Fact and Award and Opinion on Decision in *Vaughn Booker v. Cincinnati Bengals, Inc.*, Case No. ANA 0401410 (WCAB Oct. 6, 2009).

5. Attached hereto as Exhibit D is a true and correct copy of the Order Vacating the Findings of Fact and Award and Notice of Hearing, dated Nov. 5, 2009, in *Vaughn Booker v. Cincinnati Bengals, Inc.*, Case No. ANA 0401410 (WCAB Oct. 6, 2009).

6. Attached hereto as Exhibit E is a true and correct copy of the Opinion on Decision in *Eddie Brown v. Cincinnati Bengals*, Case No. ADJ1220066 (WCAB Feb. 26, 2009).

7. Attached hereto as Exhibit F is a true and correct copy of the Opinion and Order Granting Petition for Reconsideration, dated May 18, 2009, in *Eddie Brown v. Cincinnati Bengals*, Case No. ADJ1220066 (ANA 0400607) (WCAB Feb. 26, 2009).

8. Attached hereto as Exhibit G is a true and correct copy of the Opinion and Decision After Reconsideration in *Eddie Brown v. Cincinnati Bengals*, Case No. ADJ1220066 (ANA 0400607) (WCAB Dec. 7, 2009), *rescinding Eddie Brown v. Cincinnati Bengals*, Case

No. ADJ1220066 (ANA 0400607) (WCAB Feb. 26, 2009).

9. Attached hereto as Exhibit H is a true and correct copy of Defendant's Petition for Dismissal, dated Mar. 27, 2009, in *Ron Dugans v. Cincinnati Bengals*, Case No. ADJ3593432.

10. Attached hereto as Exhibit I is a true and correct copy of Defendant's Objection to Applicant's Petition to Lift Order Staying Proceedings, dated Aug. 26, 2009, in *Marco Battaglia v. Cincinnati Bengals*, Case No. ADJ2150088.

11. Attached hereto as Exhibit J is a true and correct copy of the Bengals' Answer to Application for Adjudication of Claim, dated Mar. 20, 2009, in *Khalid Abdullah v. Cincinnati Bengals*.

12. Attached hereto as Exhibit K is a true and correct copy of Bengals' Answer to Application for Adjudication of Claim, dated Aug. 13, 2009, in *Tremain Mack v. Cincinnati Bengals*, Case No. ADJ6706061.

13. Attached hereto as Exhibit L is a true and correct copy of Bengals' Answer to Application for Adjudication of Claim, dated Sept. 23, 2009, in *Armegis Spearman v. Cincinnati Bengals*, Case No. ADJ6686258.

14. Attached hereto as Exhibit M is a true and correct copy of a Letter, from Timothy Peterson to Jordan Cohen, dated Jan. 16, 2009, regarding *Dennis Weathersby v. Cincinnati Bengals*.

15. Attached hereto as Exhibit N is a true and correct copy of a Letter from Timothy Peterson to Mark Slipock, dated Aug. 11, 2008, regarding *Rogers Beckett v. Cincinnati Bengals*.

16. Attached hereto as Exhibit O is a true and correct copy of Bengals' Answer to Application for Adjudication of Claim, dated Nov. 12, 2009, in *Darryl Williams v. Cincinnati Bengals*, Case No. ADJ6626243.

17. Attached hereto as Exhibit P is a true and correct copy of the Bengals' Answer to Application for Adjudication of Claim, dated Mar. 20, 2009, in *Kabisa "Akili" Smith v. Cincinnati Bengals*.

18. Attached hereto as Exhibit Q is a true and correct copy of the Bengals' Answer to Application for Adjudication of Claim, dated May 22, 2009, in *Scott Rehberg v. Cincinnati Bengals*.

19. Attached hereto as Exhibit R is a true and correct copy of the Findings & Order and Opinion on Decision in *Reinard Wilson v. Cincinnati Bengals*, Case No. ANA 0395886 (WCAB Nov. 17, 2009).

20. Attached hereto as Exhibit S is a true and correct copy of the Transcript of Proceedings, dated Oct. 9, 2009, of *In the Matter of the Arbitration Between the Tennessee Titans and Bruce Matthews* (Arb. Sharpe).

21. Attached hereto as Exhibit T is a true and correct copy of *In the Matter of the Arbitration Between the Tampa Bay Buccaneers and Jim Petersen* (Arb. Searse, Nov. 4, 1978).

22. Attached hereto as Exhibit U is a true and correct copy of *In the Matter of the Arbitration Between Frederick Clinksdale and the Dallas Cowboys* (Arb. Kagel, July 27, 1983).

23. Attached hereto as Exhibit V is a true and correct copy of *In the Matter of the Arbitration Between Ronald F. Howard et al. and the Seattle Seahawks* (Arb. Kagel, Mar. 7, 1986).

24. Attached hereto as Exhibit W is a true and correct copy of *In the Matter of the Arbitration Between Jesse Baker and the Houston Oilers* (Arb. Kagel, Jan. 11, 1991).

25. Attached hereto as Exhibit X is a true and correct copy of *In the Matter of the Arbitration Between Jarrod Bunch v. New York Giants* (Arb. Creo, Dec. 10, 1997).

26. Attached hereto as Exhibit Y is a true and correct copy of *In the Matter of the Arbitration Between Tamarick Vanover and the Kansas City Chiefs* (Arb. Zumas, Jan. 3, 2002).

27. Attached hereto as Exhibit Z is a true and correct copy of *In the Matter of the Arbitration Between Patrick Jeffers and the Carolina Panthers* (Arb. Das, Mar. 25, 2008).

28. Attached hereto as Exhibit AA is a true and correct copy of *In the Matter of the Arbitration Between Aldra Wilson and the Denver Broncos* (Arb. Townley, Oct. 29, 2008).

29. Attached hereto as Exhibit BB is a true and correct copy of *Injured Workers' Ins. Fund of the State of Maryland v. Workers' Comp. Appeals Bd. and Cleveland Crosby*, Civ. No. G027717, 66 Cal. Comp. Cases 923 (June 14, 2001).

30. Attached hereto as Exhibit CC is a true and correct copy of *Milton Wynn v. Baltimore Ravens*, Case No. ANA 0379216 (WCAB Aug. 11, 2008).

31. Attached hereto as Exhibit DD is a true and correct copy of *Bowen v. Workers' Comp. Appeals Bd.*, 73 Cal. App. 4th 15 (2d App Dist. 1999).

32. Attached hereto as Exhibit EE is a true and correct copy of *Houston Rockets v. Workers' Comp. Appeals Bd.*, 8 WCAB Rptr. 10,336 (Oct. 19, 2006).

33. Attached hereto as Exhibit FF is a true and correct copy of the Interim Opinion and Award, dated May 15, 2009, in *In the Matter of the Arbitration Between the Tampa Bay Storm and Ignacio Brache et al.* (Arb. Clarke).

34. Attached hereto as Exhibit GG is a true and correct copy of the Final Opinion and Award, dated Dec. 9, 2009, in *In the Matter of the Arbitration Between the Tampa Bay Storm and Ignacio Brache et al.* (Arb. Clarke).

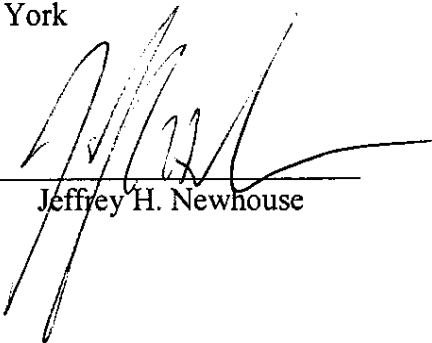
35. Attached hereto as Exhibit HH is a true and correct copy of a Letter from Brook Gardiner on behalf of the Jacksonville Jaguars, to Richard Berthelsen, General Counsel to the

NFLPA, dated Feb. 25, 2010, raising the 45-day limitations period as a defense in *Theo Horrocks v. Jacksonville Jaguars*.

36. Attached hereto as Exhibit II is a true and correct redacted copy of an NFL Player Contract between Dennis Weathersby, a Player, and the Cincinnati Bengals, dated July 27, 2003. It contains, at "Addendum 3," the addendum at issue in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 8, 2010 in New York, New York



Jeffrey H. Newhouse